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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,299	10/31/2003	Joseph A. Kaiser JR.	56335-026 (LTXL-126)	9886

7590 11/16/2005

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EXAMINER

WELLS, KENNETH B

ART UNIT PAPER NUMBER

2816

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/698,299	Applicant(s) KAISER, JOSEPH A.	
	Examiner Kenneth B. Wells	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 and 20-60 is/are pending in the application.
- 4a) Of the above claim(s) 29-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed on 9/16/05 has been received and entered in the case. In view of newly discovered prior art, the previous rejections are now withdrawn and replaced with new rejections. Any inconvenience caused by the delay in citing this new prior art is regretted.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 6, 10, 11, 16-18, 20, 22, 24, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Loehner et al.

As to independent claims 16 and 27, note Figs. 3 through 5, especially figure 3 which shows a series variable attenuation device 18, a resistive array 28 having first and second input nodes 30, 32 and also first and second output nodes 34, 36. The resistive array includes a plurality of resistive devices (see figures 4 and 5). The attenuation device also includes a first switch 24 and a second switch 26. The functional limitations recited on the last six lines of claim 16 are seen to be inherent in the operation of the Loehner et al circuitry.

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Note also the discussion at column 3, line 21 with regard to the limitation that the first and second switches are reflective switches.

4. Claims 3-5, 7-9, 12-15, 21, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loehner et al.

The limitations of these claims are all considered to be obvious modifications and/or additions to the Loehner et al circuitry shown in Figs. 3-5. For example, forming the switches 24, 26 using transistor devices is old and well-known in the art, as is forming transistors on semiconductor substrates. The formation of resistors using resistive material and making the array of Loehner et al as a planar array are also considered to be obvious implementations of the circuitry disclosed by Loehner et al in Figs. 3-5. As to claim 15, the recitation of well-known impedance matching termination resistors also does not define over the disclosure of Loehner et al.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note also the two further references cited on the

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attached PTO-892 form, each of which is also seen to anticipate at least independent claims 16 and 27.

6. In view of the above-noted new grounds of rejection not necessitated by applicant's amendments, this office action is non-final.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth B. Wells
Primary Examiner
Art Unit 2816

November 12, 2005